

REMARKS

OVERVIEW

Claims 1-25 are pending in this application. The present response is an earnest effort to overcome all rejections such that the Examiner will find all claims in proper form for immediate allowance.

INFORMALITY ISSUES

The disclosure and claims were objected to because of informalities. The Applicant has adopted the Examiner's suggestions in revising the patent application. The Applicant respectfully requests the Examiner now withdraw these objections.

ALLOWED CLAIMS

Claims 1, 3-7 and 21-22 have been found to be allowable.

Allowable claims 2 and 15 contain a minor informality and have been rewritten to overcome the informality to now be found allowable. Claims 16-18 were objected to as being dependent upon an objected base claim and were deemed to be allowable if the objection to the claim 15 was overcome. The Examiner is respectfully requested to enter these claims as allowed.

ISSUES UNDER 35 U.S.C. § 102

Claims 8, 10-11, 19, 23 and 25 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,404,827 to Baltz. Claim 8 as amended requires "a gate moveably mounted in approximately a horizontal direction to the gate frame". In contrast, the Baltz patent has a gate that moves "upwardly to the left" (Figures 6A-6C; column 4, lines 67-69).

Therefore, this rejection to claim 8 should be withdrawn. As claims 9-14 depend from claim 8, these rejections should also be withdrawn.

Although claim 11 depends from claim 8, the Applicant respectfully submits that claim 11 is further patentably distinguishable from Baltz. Claim 11 requires the angled member be "L-shaped and the gate frame has a receiving edge that accepts the L-shaped leading edge". Claim 11 was amended to correct a typographical error. The L-shaped angled member is much different than the lip as seen in Baltz. The Baltz lip of rolled metal merely encourages the lip to slide under pad 32A to form a seal (Fig. 3; column 3, lines 2-36). In contrast, the combination L-shaped angled member and receiving edge work together in the closed position to both form a seal and expose a portion of the L-shaped member to granular material when in the closed position. In this fashion, the Applicant's invention has granular material pressing against the angled member to assist in movement of the leading edge from a closed position to an open position. In contrast, the lip provides no force from the granular material when in the closed position, nor is there any evidence in the specification that the Baltz lip would provide any force to help in opening when in the partially opened and open positions. Accordingly, it is respectfully submitted that claim 11 be found allowable. As claims 12-14 depend from claim 11, it is respectfully submitted that these claims be found allowable as well.

Claim 19 has been amended to include the limitation of "moving in approximately a horizontal direction a gate." The Baltz patent does not move a gate in approximately a horizontal direction but rather "upwardly to the left" (Figures 6A-6C; column 4, lines 67-69). Therefore, the rejection to amended claim 19 should be withdrawn. As claim 20 depends from claim 19, this rejection should also be withdrawn.

Claim 23 has been amended to include the limitation "providing a downward angled leading edge upon the sliding gate, the leading edge exposed to the granular material when the gate is in a closed position wherein the gate covers the discharged opening". Baltz does not have a downward angled leading edge but rather a small lip that functions to slide the gate underneath pad 32A (Figure 3, lines 32-36). Moreover, the Applicant's invention exposes the leading edge to granular material when the gate is in a closed position to assist in movement of the gate from a closed position to an open position. Thus, the Baltz patent does not disclose the amended claim's limitations. Therefore, this rejection to claim 23 should be withdrawn. As claims 24 and 25 depend from claim 23, it is respectfully submitted that these rejections should also be withdrawn.

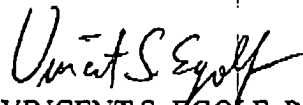
CONCLUSION

Based upon the foregoing, Applicant respectfully submits that all pending claims are in condition for immediate allowance, as they are patentably distinguishable over the prior art.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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